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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MICHAEL CAVNESS,

Plaintiff,

vs.

ROSS MIRKARIMI, ET AL.,

Defendants.

Case No. 3:14-cv-3403 EDL

**STIPULATION AND MODIFIED ~~[PROPOSED]~~  
ORDER REGARDING PRETRIAL AND  
TRIAL SCHEDULING**

Trial Date: March 11, 2019

1 Pursuant to Civil L.R. 6-2, 7-12, the parties certify that they have in good faith conferred and  
2 have agreed that good cause warrants entry of a stipulation and Court Order as follows.

3 **RECITALS**

4 A. WHEREAS the Court issued the governing Case Management Order on May 18, 2018  
5 (Dkt. No. 128), ordering that the pretrial conference in this action shall be held on February 19, 2019  
6 at 2:00 PM and that the trial in this action is set to commence on March 11, 2019 and shall not last  
7 more than 10 days;

8 B. WHEREAS the parties have been pursuing productive settlement discussions with the  
9 assistance of the Honorable Jacqueline Scott Corley, the settlement judge for this action;

10 C. WHEREAS given the difficulty that Plaintiff's counsel has communicating with their  
11 client at the prison in San Quentin, progress on settlement discussions has been slow to proceed;

12 D. WHEREAS on Tuesday February 12, 2019, the two Gibson Dunn partners who are  
13 counsel of record for Plaintiff in this action plan to visit Plaintiff at San Quentin to have a fulsome  
14 discussion about settlement;  
15

16 D. WHEREAS to facilitate settlement discussion, the Court continued the deadlines of  
17 previous pretrial filings in this action from January 30, 2019 to February 6, 2019, Order, Dkt No. 183;  
18 and from February 6, 2019 to February 8, 2019, Order, Dkt. No. 184;

19 E. WHEREAS the parties believe that trial in this action could be held over five days, not  
20 ten, and should the Court be concerned that a March 11 start date would be insufficient time to prepare  
21 for trial, the Court could potentially continue the trial start date.  
22

23 The parties HEREBY STIPULATE, though their attorneys of record, to seek the entry of a  
24 Court Order as follows:

25 1. Pretrial filings in this action previously due on February 8, 2019 shall be due on or  
26 before February 14, 2019;  
27  
28

1           **2.**       Objections and other responsive documents to pretrial filings shall be due on or before  
2 February 21, 2019;

3           **3.**       The Pretrial Conference in this action is continued to February 25, 2018; and

4           **4.       IT IS SO STIPULATED.**

5 Dated: February 7, 2019

DENNIS J. HERRERA  
City Attorney  
CHERYL ADAMS  
Chief Trial Deputy  
JAMES F. HANNAWALT  
Deputy City Attorney

9  
10 By: /s/ James F. Hannawalt  
JAMES F. HANNAWALT

11 Attorneys for Defendant

12 FRANK WINCH

13 DATED: February 7, 2019

14 GIBSON, DUNN & CRUTCHER LLP  
15 Rachel S. Brass, SBN 219301  
16 Neema Jalali (SBN 245424)  
Stephen Henrick (SBN 310539)  
Lee Crain, *Pro Hac Vice*

17  
18 By: /s/ Lee R. Crain  
19 Lee R. Crain, *pro hac vice*


20 Attorneys for Plaintiff MICHAEL CAVNESS  
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**MODIFIED ~~PROPOSED~~ ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED WITH THE FOLLOWING**  
**MODIFICATION:** The pretrial conference is set for February 26, 2019 at 1:30 p.m.

Dated: February 7, 2019

  
ELIZABETH D. LAPORTE  
United States District Magistrate Judge